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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,097	01/03/2006	Marco Braun	SPM-388-A	5569
48980 7590 04/04/2008 YOUNG & BASILE, P.C. 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084			EXAMINER BLANKENSHIP, GREGORY A	
			ART UNIT 3612	PAPER NUMBER
			NOTIFICATION DATE 04/04/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com
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Office Action Summary

Application No.

10/530,097

Applicant(s)

MARCO BRAUN ET AL.

Examiner

GREGORY BLANKENSHIP

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 4/1/2005.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 7, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is not clearly understood because the phrase "such as air-conditioning installation parts" could be an example of "components" or it could be a required element. The claim has been read as not requiring air-conditioning installation parts.

Claim 7 is not clearly understood because "between 2mm and 200 mm, preferably between 4 mm and 25 mm" provides two different limitations for the same feature. It is unclear which one is required in order to meet the limitations of the claim. The claim has been read as only requiring "between 2 mm and 200 mm".

Claim 10 is not clearly understood because "between 0.5 mm and 5.0 mm, preferably between 1 mm and 2 mm" provides two different limitations for the same feature. It is unclear which one is required in order to meet the limitations of the claim. The claim has been read as only requiring "between 0.5 mm and 5.0 mm".

Claim 12 is not clearly understood because "at least 10%, preferably 20%, particular preferred 30%" provides three different limitations for the same feature. It is unclear which one is required in order to meet the limitation of the claim. The claim has been read as only requiring "at least 10%".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 9, 14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Schonebeck (7,097,234).

Schonebeck disclose an end wall module formed of a first wall (10) and a second wall (12) for a vehicle. The first wall (10) and the second wall (12) are spaced apart such that first rib structures (14) of the first wall (10) and the second rib structures (between recesses 16) are spaced apart when the wall module is in an undeformed condition of installation, as shown in Figure 1. The first and second rib structures engage with one another in a positive when in the deformed condition, as shown in Figure 2. In reference to claim 2, the end wall is connected to a component, the inner door liner, as disclosed on lines 38-41 of column 3. While it is not specifically disclosed, the inner door liner must be arranged on a side of one of the first wall and second wall which is distant to the respective other wall in order for the wall module to work as disclosed. In reference to claim 3, a cavity exists between the first and second walls (10,12), as shown in Figure 1. In reference to claim 4, the first and second rib structures comprise webs, as broadly claimed, in that the rib structures form a network or pattern. In reference to claim 5, the webs has an equal length in the direction of the respective other wall, as shown in Figure 1. In reference to claim 9, the first rib structure

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comprises webs and the second rib structure comprises cavities (16) for receiving those webs, as shown in Figure 2. In reference to claim 14, the first and second walls and the rib structures are formed of plastic, as disclosed on lines 35-38 of column 3. In reference to claim 16, a motor vehicle, specifically the door, contains the end wall structure, as disclosed on lines 38-41 of column 3. In reference to claim 17, the vehicle contains a mount, the inner liner of the door, that borders the end wall, as disclosed on lines 38-41 of column 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schonebeck (7,097,234) in view of Carroll, III et al. (6,752,450).

Schonebeck does not disclose the ribs having different lengths.

Carroll, III et al. teach forming ribs of an energy absorber with different lengths, as shown in Figures 8 and 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the first ribs of Schonebeck with a different length than the second ribs of Schonebeck, as taught by Carroll, III et al, to provide the desired energy absorbing characteristics at each rib.

7. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonebeck (7,097,234).

Schonebeck does not disclose the claimed distance between the webs and the ribs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to space apart the first wall and second wall of Schonebeck such that the distance between the webs that form the rib structures is 4 mm in order to provide adequate energy absorption while minimizing the volume the wall structure occupies.

8. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonebeck (7,097,234) in view of Carroll, III et al. (6,752,450).

Schonebeck does not disclose the ribs having a concave shape at their ends.

Carroll, III et al. teach forming the ends of ribs (16) with a concave shape (40), as shown in Figures 1 and 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form concave portions in the ends of the ribs of Schonebeck, as taught by Carroll, III, et al., to provide the end wall of Schonebeck with the desired energy absorbing characteristics.

9. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonebeck (7,097,234) in view of Salloum et al. (3,933,387).

Schonebeck does not disclose the second wall laterally projecting beyond the first wall.

Salloum et al. teach forming walls of an energy absorber of different sizes such that one opposing wall extends at least 10% beyond the other opposing wall, as shown in Figure 2, specifically the rightmost of the largest walls and the wall that is directly to its right.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the second wall of Schonebeck to laterally project at least 10% beyond the first wall, as taught by Salloum et al., resulting the second wall having a surface area on the

side distant the first wall of at least 10% more surface area than the first wall on its side distant to the second wall to provide more space for attaching the wall module while not changing the energy absorption characteristics of the wall module.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schonebeck (7,097,234) in view of Salloum et al. (3,933,387).

Schonebeck does not disclose bonding the end wall to mounting.

Salloum et al. teach bonding an energy absorber (30) to an adjacent element (16), as disclosed on lines 1-4 of column 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to bond the end wall of Schonebeck to the mounting of Schonebeck, as taught by Salloum et al., to provide a secure means to integrate end wall and the mounting.

Allowable Subject Matter

11. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gab

March 31, 2008

/Greg Blankenship/

Examiner, Art Unit 3612